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**DEC 05 2006**

**OFFICE OF PETITIONS**

MOETTELI & ASSOCIES SARL  
CASE POSTALE 486  
GENEVA CH-12-11 CH SWITZERLAND

In re Application of :  
Robert Allan Young et al :  
Application No. 10/809,034 : DECISION ON PETITION  
Filed: March 25, 2004 : TO MAKE SPECIAL UNDER  
Attorney Docket No. PUS-P001-041 : 37 CFR 1.102(d)  
:

This is a decision on the petition under 37 CFR §1.102(d), filed June 23, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3733 for action on the merits commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions